



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, January 15, 2014, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 15, 2014 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

SPECIAL PRESENTATIONS/REPORTS

None

PUBLIC COMMENT:

Roselyn Blanton-Giordano, 211 E Ilex Drive, suggested that the Town host a Rainbow Parade of Children on Valentine's Day. She announced her candidacy for Mayor.

Roger Michaud, Larry Marble and Johnny Ringo. Mr. Michaud stated that the Second Annual Pirates Fest will be held on Saturday, February 1, 2014. The event will be held at Lake Shore Park. He stated that last year's event was successful. He explained that they are here to seek the Town's assistance regarding parking and requested that the Town waive the parking fees for the event.

Mayor DuBois asked if it would suffice to just waive the parking in the area around Lake Shore Park and omit the Marina parking.

Mr. Michaud stated "yes".

Commissioner O'Rourke stated that last year's event was great and that he is glad to see it happening again this year. He asked about how the south parking lot was used at last year's event.

Mr. Marble stated that last year the attempt was to use the lot as a premium valet lot but it did not work and they will not be doing that again. He stated that since parking is such a premium in the area they are working with a property owner at Northlake Boulevard and US1 to trolley people from that property to and from Lake Shore Park.

Commissioner Rapoza asked where the bandstand will be placed and will there be police presence regarding parking to prevent damage to the swales.

Mr. Mable stated that last year before the event, Public Works taped off the swales around the park and did not know of any damage to the swales. He assumes that Public Works will be doing the same again this year. He stated that they were asked to move the north stage in a little bit away from the condominiums and they have submitted a site plan with the north stage moved further away from the condominiums.

Commissioner Rapoza stated that in front of the condominiums on Lake Shore Drive there was some damage to the swales and that is what she was concerned about. She asked if they have the parking and traffic direction under control.

Mr. Mable stated that he was not aware of any situations away from the park and stated they would put together a team of volunteers to monitor the issue.

Commissioner Flaherty asked if there will be two stages again this year.

Mr. Michaud stated "yes".

Commissioner Flaherty asked if the waiving of the parking request also includes the Kelsey Park meters.

Mr. Michaud stated "yes".

Commissioner O'Rourke asked if the parking was discussed with Community Development Director Nadia DiTommaso prior to coming to the Commission meeting.

Mr. Michaud stated "yes" and that the Town is planning on enforcing the meters and charge a fee to block off Park Avenue.

Mayor DuBois stated that it is his understanding that the Town Administration does not have the authority on its own to waive the parking fees and that authority lies with the Town Commission.

Town Manager Sugerman explained that the Administration does not have the authority to waive the parking meter fees and was not prepared to recommend waiving the parking meters fees since the Town still has debt service on the parking meters. He stated that waiving the parking fees is a Commission prerogative. He stated that this was the first opportunity for the applicants to come before the Commission since there has not been a Commission meeting since December 17, 2013.

Mayor DuBois stated that the Commission has approved in the past waiving the parking fees for non-profit events or partnered with a non-profit organizations.

Commissioner O'Rourke suggested that Park Avenue be marked off for parking as done for other events and this could elevate some of the parking.

Mr. Mable stated that the Town marked off Park Avenue for parking for last year's event.

Commissioner O'Rourke asked if the Town has asked for a fee to mark off Park Avenue for parking for this year's event.

Mr. Michaud stated "yes".

Town Manager Sugerman explained that the applicants request is for the parking meters around the park to be waived and for the Town to contribute staff time to set up a maintenance of traffic (MOT) on Park Avenue to allow for the delineation of a parking lane on both sides of Park Avenue. He stated that there is no cost to the Town for waiving parking meter fees however; there is an actual cost to the Town for setting up the MOT on Park Avenue.

Commissioner O'Rourke stated that he wants to see parking for the event on Park Avenue. He thinks that the Kelsey and Lake Shore Parks are venues that need to be developed and that this is the first group that has ever really stepped up to do something significant in this area. He wants to promote this idea that the park area can become a venue place for events. He wants to see the Town Commission support it in any way it can.

Motion: A motion was made by Commissioner O'Rourke to waive the parking meter fees at Kelsey and Lake Shore Park and the fee for Public Works to establish maintenance of traffic (MOT) along Park Avenue; Commissioner Rapoza made the second.

Town Manager Sugerman asked for the hours that the parking meter fees will be waived.

Mayor DuBois suggested for the entire day that parking meters are in operation on the day of the event.

Commissioner Rapoza asked what the projection is regarding attendance.

Mr. Michaud stated four (4) to five (5) thousand people.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

CONSENT AGENDA:

- 1. Regular Commission Meeting Minutes of December 18, 2013**
- 2. Approval of the Delinquency Settlement of Lake Park Harbor Marina - Unpaid Dockage Fees Owned by John LeBeau of North Palm Beach, Florida**

3. Approve the Warranty Engine Rebuild on Public Works Commercial Front Load Sanitation Vehicle (2009, Autocar WX Expeditor)

Commissioner Flaherty requested items two (2) and three (3) be pulled from the Consent Agenda.

Motion: A motion was made by Commissioner O'Rourke to approve the Regular Commission Meeting Minutes of December 18, 2013; Commissioner Rapoza made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

2. Approval of the Delinquency Settlement of Lake Park Harbor Marina - Unpaid Dockage Fees Owned by John LeBeau of North Palm Beach, Florida

Commissioner Flaherty asked if an initial payment of \$5,000 has been made to the Town.

Town Manager Sugerman stated "yes".

Commissioner Flaherty asked if a new contract has been signed and has the first payment been made.

Town Manager Sugerman stated "yes".

Commissioner Flaherty asked if the old contract did not cover some of the things that the new contract does.

Town Manager Sugerman explained that the prior contract had expired and staff wanted to ensure that Mr. LeBeau had signed onto the most recent contract.

Commissioner Flaherty asked if Mr. LeBeau had been in a month to month situation.

Town Manager Sugerman explained that Mr. LeBeau was in an annual contract and was not paying. He stated that there is a typo on page two (2) of the agreement and noted that the six month payment period is from January 2014 through June 2014.

Motion: A motion was made by Commissioner Flaherty to approve the Delinquency Settlement of Lake Park Harbor Marina - Unpaid Dockage Fees Owned by John LeBeau of North Palm Beach, Florida; Commissioner O'Rourke made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

3. Approve the Warranty Engine Rebuild on Public Works Commercial Front Load Sanitation Vehicle (2009, Autocar WX Expeditor)

Commissioner Flaherty asked if this is one of the trucks that picks up the dumpsters.

Town Manager Sugerman stated "yes".

Commissioner Flaherty asked if there are any other vehicles that would fall into this category and were designed for a different use.

Public Works Director David Hunt no other vehicles have exhibited the same issues and that the fail safe switch is installed on the other vehicles.

Motion: A motion was made by Commissioner Flaherty to approve the Warranty Engine Rebuild on Public Works Commercial Front Load Sanitation Vehicle (2009, Autocar WX Expeditor); Commissioner O'Rourke made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC HEARINGS - ORDINANCES ON FIRST READING:

4. Ordinance No. 01-2014 An Ordinance Proposing Modifications to Section 78-251 (C)(2) and 78-251 (E) of the Town Code Providing for an Administrative Approval Process for Nonconforming Parcels Proposing Site Modifications that Do Not Meet the Definition of a Substantial Modification.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE VIII, SECTION 78-251 OF THE TOWN'S CODE OF ORDINANCES TO MODIFY LANDSCAPING STANDARDS PERTAINING TO NONCONFORMING PARCELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Sugerman explained the item (see attached Exhibit "A").

Commissioner Flaherty asked about "Financial hardship shall not be considered to be a site condition which would alleviate the property owner from compliance with landscaping requirements" and if that means the property owner cannot meet the expectations that the Code has then they cannot do the project.

Town Manager Sugerman explained that it means that if they have the area required to properly landscape and they have the physical ability to meet the landscaping requirement then a financial hardship is not an excuse for not meeting that requirement.

Commissioner Rapoza asked if this would also apply to a commercial property that is looking to sell the commercial property and to upgrade the property and the property could not be sold unless they did according to the Code.

Town Manager Sugerman stated that he does not think it would happen that way but that the person buying the property would have to find out what the landscaping requirements would be and the new owners could find out if they could get relief from the Code under the proposed Administrative Process.

Motion: A motion was made by Commissioner O'Rourke to approve Ordinance 01-2014 on First Reading; Commissioner Rapoza made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird read the Ordinance into the record by title only.

NEW BUSINESS:

5. Approving the Hiring of Gomez Barker Associates, Inc. as the Town's External Lobbyist for the 2014 Legislative Session in Tallahassee

Fausto Gomez of Gomez Barker Associates, Inc, presented a report to the Commission regarding the upcoming legislative session (see attached Exhibit "B").

Commissioner O'Rourke stated that some of the items in the report are items that he and Vice-Mayor Glas-Castro have worked on as part of the Florida League of Cities. He asked about the Small Business Development initiatives and the Community Development Block Grant (CDBG).

Mr. Gomez stated that regarding the CDBG funding the Town is not an entitlement community and that the Town has two (2) options. The first is to apply for CDBG funding through Palm Beach County. The second is to apply for funding directly from the State. He thinks it is important to preserve both options of apply for CDBG funds.

Town Manager Sugerman explained that the Town is not an entitlement community but that the Town is an allocation community under Palm Beach County's entitlement. This is an automatic allocation from Palm Beach County. He stated that Palm Beach County has an additional 3.2 million dollars that the County will be rotating amongst the seven (7) allocation communities and the Town will be up in 2015 for an additional \$300,000.

Vice-Mayor Glas-Castro stated that the funding for this contract would have to come from reserves, as this is not a budgeted item. She asked what is the effective date of the contract.

Town Manager Sugerman stated that it is sometime in February and that he recalls that the contract was approved at the first or second meeting in February last year.

Mayor DuBois asked about the Small Business Development Center.

Mr. Gomez explained that the Small Business Development Center provides technical assistance and business support to small businesses around the State of Florida. He stated that currently Florida International University (FIU) provides this service to the South East Region. He stated that what they have not done in the past is provide assistance to local governments in order to spur economic development, such as destination support to locate small business in the Town. He stated that the other key element is the micro loan program that provides loan to very small businesses.

Mayor DuBois asked if the Florida Recreation Development Assistance Program (FRDAP) would be appropriate for the Marina project for the development of the upland parking or as match funds for the Florida Inland Navigation District (FIND) grant.

Town Manager Sugerman stated that he does think that FRDAP would look favorably upon parking lot improvements. He explained that FRDAP grants are typically for projects that are recreation in scope. He stated that it has been a number of years since he has written a FRDAP grant and he would have to review the requirements to be sure what is eligible.

Mr. Gomez stated that the FRDAP grants are for acquisition of property and capital improvements.

Motion: A motion was made by Commissioner Flaherty to approve the Hiring of Gomez Barker Associates, Inc. as the Town's External Lobbyist for the 2014 Legislative Session in Tallahassee with funds allocated to support such contract coming from the General Fund contingency line item account # 001-51-589-900-99901; Commissioner O'Rourke made the second.

Vice-Mayor Glas-Castro stated that she has concerns regarding the timing of this item and that legislative priorities should have been discussed by the Commission last summer when the Commission was working on the budget. The discussion would have allowed the Commission to develop the legislative priorities for the Town and not have a consultant tell the Commission what the priorities are for the upcoming session. She stated that the discussion would have included whether the Town could accomplish the legislative priorities on its own as self lobbyist with staff and League of Cities assistance or if would require a lobbyist to be hired. She stated that there should have been an item for discussion to hire a lobbyist during the budget process. She stated that she is concerned about using half of the reserves to hire a lobbyist at this late a date. She stated that while she does not necessarily disagree with the priorities that the consultant has come up with she thinks it should have been discussed amongst the Commission. She stated that a lot of the legislative priorities are the same as the League of Cities and that the League of Cities has six (6) paid lobbyist on staff that will be lobbying on behalf of those items. She stated that the League of Cities is there to assistance the Town and if the Town decides to self-lobby they will make introductions to the appropriate Legislators. They encourage participation in the local delegation so that the Town has personal contacts. She stated that the appropriation type priorities that have been established are grants that staff are able to effectively lobby on the Town's behalf and that it is staff that puts together the application and knows the technical details not the lobbyist. She stated that she has concerns regarding this item coming before the Commission at such a late date and the Commission not having open discussion about what the priorities should be and that this was not part of the budget discussions.

Mayor DuBois stated that last year the contract was lapsed and that he did not find out that the Town was out of contract with Gomez Barker until almost a month after the contract had ended and in a sense, that is where it is at again this year. He stated that historically it has been a Commission driven decision to hire a lobbyist. He stated that he asked for this item to be included on the agenda because otherwise the contract would simply lapse and there would not be any discussion unless a Commission brought forward a Legislative item. He stated that the Commission has not developed any format to set Legislative Priorities for the Town. He thinks that it is important for the Commission to have a discussion and thinks it is important for the Commission and Administration to set a Legislative Priorities list. He stated that he has not always felt that the League of Cities has had the Town's specific best interests in mind over the past years. Particularly to do with the Sober Houses issue and the Town being the "mouse"; the Town was overwhelmed by larger municipalities, such as Delray and Boca Raton, and the League of Cities preferred their position and the Town was on its own. He stated that it was the work of the Town that has moved this item forward to receive support across Palm Beach County and the State. He believes in diversity and that there are aspect of the Legislative Priorities that the Town can associate with the League of Cities and Palm Beach County Delegation but also believes that the Town should go beyond those resources when pursuing Legislation and that is what Gomez Barker does for the Town.

Commissioner Rapoza asked if there is an increase in the amount of the contract. She stated that she agrees with Vice-Mayor Glas-Castro that the timing of this is not very good and that the Commission should have discussed these priorities at the budget

workshops. She stated that the Commission is getting more involved with the League of Cities and other local organizations.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza		X	
Vice-Mayor Glas-Castro		X	
Mayor DuBois	X		

Motion passed 3-2.

6. Resolution No. 01-01-14 Authorizing the Mayor to Execute an Agreement for Hosting Trawler Fest at the Lake Park Harbor Marina February 26, 2014 through March 3, 2014.

Town Manager Sugerman explained the item (see attached Exhibit "C").

Commissioner O'Rourke stated that he noticed in the contract a provision regarding fencing and asked if Marina area would be fenced off during the event.

Wit Hall, Vice President of Marketing and Events *PassageMaker* Magazine, stated that no it is not their intention to fence off the Marina. He explained that the fencing would be used to delineate between what is the event and what is not the event and it is not their intention to close off the Marina in any way, shape or form.

Commissioner O'Rourke asked if the area is not going to be fenced off how will they be able to charge admission.

Mr. Hall stated that there will be gates where people will bring their tickets and be charged admission. He stated that the point he was trying to make was that they would not be closing off the Marina to the general public, but there will be tents, boats and exhibits on display and those areas will be fenced off.

Town Manager Sugerman stated that his understanding from his negotiations was that they would be closing the perimeter of the Marina and using fencing and gates to funnel people through the main east-west entrance for the three (3) days of the show and a ticket will have to be purchased to get on the grounds of the Marina. He stated that Town residence with proof of residency if they want to attend the show they will get a \$5 discount and on the honor system, they will be permitted to fish from the pier and walk their dog at no charge.

Mayor DuBois stated that currently there are available slips at the Marina but next year there may not be and asked how will that be handled.

Town Manager Sugerman stated that staff is prepared to deal with that and as soon as that happens he will have an answer.

Mayor DuBois asked how they found out about Lake Park.

Mr. Hall stated that he is a native Floridian from Palm Beach Gardens. He stated that they held the show for years at the Bahia Mar in Fort Lauderdale and it came to him and others at PassageMaker to find a new location and being from the area he knew about the Lake Park Marina.

Mayor DuBois stated that he is glad they are here and that this item has been brought before the Commission for consideration.

Commissioner Flaherty asked how about the Sunset Celebration.

Town Manager Sugerman explained that for Sunset Celebration the Town will be working with the Trawler Fest to keep open until 8:00 pm. He stated that they will have upwards of fifty (50) vendors on the grounds and may or may not have room for the local vendors that will have to be figured out once the event is closer. He stated that Trawler Fest is going to promote Friday night of their event as being the Sunset Celebration as well. It will be a partnership to have both the show and the Sunset Celebration.

Mayor DuBois asked if the Palm Beach Post could be used to promote the event.

Mr. Hall stated "yes" that they are close to signing a contract with the Palm Beach Post for advertising and they are open to including the Sunset Celebration as part of the advertising in addition to the other advertising they will be doing for the event. He stated that PassageMaker is a group of magazines which are owned by a company called Active Interest Media which owns Show Management which is the company that owns and manages the Fort Lauderdale, Palm Beach and Miami Boat Shows and therefore has a multitude of advertising opportunities. He stated that they will be launching quite an advertising campaign to bring as much exposure and attention to the event as possible. He stated that they are estimating 500-600 people per day of the event or more.

Mayor DuBois suggested also contacting the North Palm Beach Chamber of Commerce, as they are active in the Marina Industry and Marina Industry Association.

Commissioner O'Rourke asked, based on the estimated number of attendees, have they spoken with staff about whether the parking at the Marina will be adequate enough to handle this type of event.

Mr. Hall stated that they believe the parking will be enough because a number of the attendees will be boaters and will be coming by boat.

Town Manager Sugerman stated that they expect cars to be all over the place and they are fine with that.

Vice-Mayor Glas-Castro asked should the Commission consider waiving the parking meter fees at Kelsey Park also for those that park there and walk over.

Town Manager Sugerman stated "sure".

Vice-Mayor Glas-Castro asked if other on-street accommodations should be made such as the MOT along Park Avenue.

Town Manager Sugerman thinks that there will be parking on the side streets such as Date Palm and Cypress Drive.

Mayor DuBois stated that the people doing the Pirate Fest have worked out something with a local parking lot owner and will be moving people back and forth from the event.

Town Manager Sugerman stated that he is expecting chaos for the first year of the event and that is fine; it will be figured out. They have told him if it is successful that this could be a five (5) to seven (7) year relationship and that after five (5) to seven (7) years they burn out a community and move on. He stated that if it is a success and they stay that they will solve all the logistic problems in successive years.

Commissioner Flaherty stated the Marina boat ramp will be closed March 1 and 2, 2014.

Town Manager Sugerman stated "yes" because the Marina will be full and some of the vessels will be between 65 and 75 feet. He explained that after everything is full there will only 100 feet of dockage space.

Marina Director James Hart stated that the vessels will be between 25 and 90 feet.

Commissioner Flaherty asked about the delivery of materials before the event and asked if staff from the Trawler Fest will be there to handle those deliveries.

Mr. Hall stated "yes" that they have their own set-up and breakdown crew which will arrive a few days in advance and it is a professional crew of people that will be setting up and breaking down the event.

Motion: A motion was made by Commissioner O'Rourke to approve Resolution No. 01-01-14 Authorizing the Mayor to Execute an Agreement for Hosting Trawler Fest at the Lake Park Harbor Marina February 26, 2014 through March 3, 2014; Vice-Mayor Glas-Castro made the second.

Town Manager Sugerman stated that as plans are being made to make Trawler Fest successful one thing that will happen is that the current slip holders will be asked to be relocated to another slip so that Trawler Fest can have the bulk of the slips all together. He stated that the solution that has been developed and to show the current customers that it is appreciated that they are going to work with the Town in moving their vessel to accommodate Trawler Fest by providing the current customers two (2) weeks for free. He stated that this would be approximately \$7,800 in lost revenue. He explained that this action would also have to be approved by the Commission in the form of a motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Motion: A motion was made by Commissioner O'Rourke to approve waiving of two (2) weeks of vessels fees for those vessels being relocated to another slip in the Marina for the Trawler Fest; Vice-Mayor Glas-Castro made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird stated that he will be contacting each member of the Commission about the progress that Professor Engstrom has made on the study regarding the Town's Election Voting System and the next steps in the process.

Town Manager Sugerman stated that the video regarding the Town produced by CGI had been forward to the Commission for their review and asked for the Commissioners to provide comments. At some point the Commission as a whole would need to advise if they want to move forward with production. He stated that three (3) comments have been received so far. These comments are: first that the Mayor's name is spelled wrong, second that several people were unhappy with the final scene, and third that with the Mayor up for re-election that it may not be a good idea to have Mayor DuBois do the introduction video.

Mayor DuBois asked if Town has had an opportunity to edit the video.

Town Manager Sugerman explained that Town does not edit the video, but the Town can make comments. He stated that the video is one (1) minute and seven (7) seconds and that they shot six (6) hours of video.

Vice-Mayor Glas-Castro stated that the shot of the Kelsey City gates has a lot of cars crossing and thinks it would be a better shot if there were no cars crossing.

Town Manager Sugerman stated that was brought up and the response received was that having the cars in the shot shows a vibrant community with lots of activity.

The Commission came to consensus to move forward with the video.

Town Manager Sugerman asked if any of the Commissioners were interested in participating in Palm Beach County Days in Tallahassee on March 4 and 5, 2014. If the Town is going to send a delegate something would have to be done regarding the March 5, 2014 Commission Meeting as it is a conflict.

Mayor DuBois stated that he would like to attend.

Vice-Mayor Glas-Castro asked if the Commission has gone in the past.

Town Manager Sugerman stated "yes" however the Commission did not go last year.

Vice-Mayor Glas-Castro stated that she would prefer to save her share of the travel budget for the Florida League of Cities Conference in August.

Commissioner O'Rourke stated that he would like to attend Palm Beach Days in Tallahassee.

Commissioner O'Rourke stated that Eboni Harris from the Library will be leaving and commented that she works with the Teen group and has done a great job. He thanked Ms. Harris for all her work with the children within the community and that she will be missed. He stated that there is a new business in Town named the Blue Lagoon.

Commissioner Rapoza congratulated Mr. and Mrs. Davis at 724 Northern Avenue for being the Property of the Month. She stated that First United Bank donated to Lake Park Elementary School \$1,500 for study materials for the students. She stated over the holidays First United Bank also donated Christmas gift for eighty-two (82) students. She stated that the Bank provided six (6) educational computers for the top six (6) readers in second grade. She stated that the Bank's goal is to increase the number of Christmas gifts to one hundred and sixty-five (165) next year. She stated that the Bank will be assisting the fifth (5th) graders this year with the Safety Patrol Washington DC trip. She stated that soon the Town will be at the breakeven point with the parking meters. She suggested that the Town have one week of free parking a month for different types of events such as K-9 and mounted patrol demonstrations, adopt a pet, doggie fashion show, and Children's art demonstration during the free parking meter week. This could be used to see if the free parking would increase park attendance. She requested that the item be brought forward for Commission consideration on a future agenda.

Mayor DuBois stated that the prior Commission came to a compromise of free parking on Sunday. He stated that signs were installed stating that parking was free on Sundays and National Holidays.

Commissioner Rapoza asked if it worked.

Mayor DuBois stated that he is able to say at meetings that the Commission came up with a compromise instead of charging seven (7) days a week, there is no charge for the parking meters on Sunday.

Commissioner Rapoza asked for an agenda item to discuss parking meters.

Mayor DuBois stated that the Commission already approved free meters on Sunday as a compromise and that anyone could complete a pink comment card and asked the Commission to make the legislative decision to offer free parking for special events. He thinks that he has done the best he could to come up with a solution of offering free parking on Sundays. He thinks this was the lost cost to the Town in terms of lost revenue.

Commissioner Rapoza stated that she thinks offering the free week a month would be an incentive for people and families to come to the park.

Vice-Mayor Glas-Castro stated that she would prefer to get rid of the meters.

Commissioner O'Rourke suggested an agenda item regarding parking for Commission discussion because there are so many issues including special event parking.

Mayor DuBois suggested including with the item revenue projections, revenue from previous years, and timeline on the debt service. He asked if any analysis has been done regarding peak usage.

Town Manager Sugerman stated "no".

Mayor DuBois asked if the analysis could be done and which agenda it could be placed on.

Town Manager Sugerman stated that the earliest agenda would be February 19, 2014.

Commissioner O'Rourke suggested to have the item on an agenda after the Trawler Fest because he wants to see what happens with the parking during the event.

The Commission reached consensus to have a parking meter discussion on the March 19, 2014 Commission agenda.

Commissioner Flaherty stated that the food pantry has started a plot at the Community Garden and that help is needed to tend to the garden. He stated that the pricing structure for the Community Garden has changed and that a 4x4 raised bed plot is only \$5 per month. He stated that Relay for Life will be held on April 24, 2014 from 6:00 pm to 6:00 am in Palm Beach Gardens.

Vice-Mayor Glas-Castro wished everyone a Happy New Year.

Mayor DuBois stated that in regards to the Legislative Agenda and Legislative Priorities that the Town has a number of resources that the Town can access during the Legislative

Session and the Town could organize better. He suggested a Legislative Priorities Workshop and the date should synchronize with what is happen in Tallahassee.

Town Manager Sugerman suggested the workshop be held in the summer when working on the next year's budget and right after the Florida League of Cities Conference, which is typically in August.

Mayor DuBois suggested June or July as soon as the Legislative Session has ended. He stated that it would be known what bills have and have not passed so that the Commission could lobby the delegates at the Florida League of Cities Conference. He asked Fausto Gomez if he would be providing an update after the session is over.

Mr. Gomez stated "yes" in May he will provide an update.


Mayor DuBois suggested to then do a follow up in August. He stated that the Grass Roots Program with the Friends of the Library and the Library Board for tutoring and after school homework assistance program is moving forward. He stated that the tutor orientation program and parents orientation meetings will be happening soon. He stated that the Palm Beach County Fire Rescue crew in Lake Park are great and do a wonderful job. He stated that he has received information from Town Clerk Mendez regarding the qualification period for the Mayoral election and has received some paperwork that he intends to fill out in time for the opening day of qualifying which is January 28, 2014. He stated that he looks forward to completing the paperwork and filing to run for the Mayoral election on March 11, 2014.

ADJOURNMENT


There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner O'Rourke, and by unanimous vote, the meeting adjourned at 8:37 p.m.



Mayor James DuBois



Deputy Town Clerk, Shari Canada, CMC



Town Clerk, Vivian Mendez, CMC



Approved on this 19 of February, 2014



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "A"

Meeting Date: January 15, 2014

Agenda Item No.

Agenda Title: AN ORDINANCE PROPOSING MODIFICATIONS TO SECTIONS 78-251 (C)(2) AND 78-251 (E) OF THE TOWN CODE OF ORDINANCES PROVIDING FOR AN ADMINISTRATIVE APPROVAL PROCESS FOR NONCONFORMING PARCELS PROPOSING SITE MODIFICATIONS THAT DO NOT MEET THE DEFINITION OF A SUBSTANTIAL MODIFICATION.

- ☐ SPECIAL PRESENTATION/REPORTS ☐ CONSENT AGENDA
☐ BOARD APPOINTMENT ☐ OLD BUSINESS
☒ **PUBLIC HEARING ORDINANCE ON 1st READING**
☐ NEW BUSINESS
☐ OTHER: _____

Approved by Town Manager _____

Date: 1/6/14

Nadia Di Tommaso / Community Development Director
Name/Title

Originating Department: Community Development	Costs: \$0 Funding Source: N/A Acct. # N/A <input type="checkbox"/> Finance _____	Attachments: →ORDINANCE 01-2013
Advertised: Date: N/A on first reading Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>ND</u> Please initial one.

Summary Explanation/Background:

As the economy has begun to pick up, the Community Development Department has seen an increase in residential and commercial property owners desiring to improve their properties. Currently, any single-family, two-family, or three-family owner of a structure seeking to improve their property (whereby the value of the improvement is greater than \$5,000), is subject to all of the provisions of the entire landscaping code. Similarly, all commercial properties seeking to do something as simple as repaving their parking lots, regardless of the value of the paving, are subject to the provisions of the entire landscaping code. Most existing properties in Town were not originally built with all of the extensive landscaping provisions required in the Code as it is written today.

The Code, as it is currently written, actually serves as a hindrance for property owners who want to make relatively simple improvements to their property. Requiring these properties to meet all of the landscaping conditions in the Code, and if they cannot meet them, forcing the property owner to apply for variances from the Code provisions, seems unreasonable as this would require a public hearing process with significant application fees and a minimum 2-month approval process.

It is not unreasonable to assume that if a property owner chooses to renovate, modify, or if it suffers damage to the extent that the proposed improvements are in excess of fifty (50) percent of the property's assessed value, that the full landscaping Code must be complied with and if not, a variance request must be sought. However, if a property owner is simply looking to beautify their site through a minor improvement, staff is proposing the following modification to the Code, which would still require compliance with as much of the landscape code as is possible, but through an administrative approval process, rather than a legislative approval process. The proposed changes to the Code would give the Community Development Director (or designee) administrative authority to approve landscaping plans for minor improvements to property within the Community, but only to the extent that those minor improvements are physically feasible:

Section 78-251. Landscaping generally

(c) *Applicability.*

(1) The standards contained in this section shall apply to all property within the town.

(2) Nonconforming parcels.

a. Any parcel of land, with the exception of nonconforming parcels on which single-family, two-family or three-family dwellings exist, must conform with the requirements and regulations of this article and chapter, regardless of the date of the erection of the structure.

b. Nonconforming parcels of real property on which single-family, two-family or three-family dwellings exist must comply with the landscape requirements of this article whenever a building permit is issued by the town for construction work on the property, where the estimated total value of the construction work and/or other improvements is \$5,000.00 or more. Provided however that, nonconforming parcels shall incorporate only those landscaping requirements determined by the Director of Community Development to be feasible based on existing site conditions. Financial hardships shall not be considered to be a site condition which would alleviate a property owner's compliance with landscaping requirements. The Community Development Department is authorized to approve waivers of the landscaping requirements of this section upon the review and approval of an application for same. The application shall include a landscape plan signed and sealed by a Florida registered landscape architect.

c. Nonconforming parcels of real property shall be subject to the landscape requirements of this article, should they seek any expansion, ~~or should they suffer damage in excess of 50 percent of their appraised value~~ modification, or where the property has been damaged based on the following criteria:

This Section provides an exception for single-family, two-family and three-family dwellings that are simply looking to improve their parcels, but do not classify as a substantial renovation.

(1) Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, in a calendar year, in excess of 50 percent of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the county tax collector; or

(2) Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or similar improvement, over three calendar years, in excess of 50 percent of the value of the improvements of the property, as determined by the most recent certified tax roll prepared by the county tax collector.

d. If it is impossible to satisfy the landscape requirements of a nonconforming parcel, the town *may* designate the town manager or his/her designee to mitigate the nonconformity by donation to the town of cash equal to the costs of the required improvements, or by the owners contribution of a like amount (or combination thereof) of trees, shrubs, and groundcovers for the improvement of the town's public parks, ball fields or other parcels that might be designated to satisfy the extent of the nonconformity.

(...)

(e) *Application and permit required.*

(...)

(4) Except for single-family, ~~and~~ two-family ~~and~~ three-family dwellings, prior to the issuance of any permit for paving, a ~~development~~ landscape permit application shall be submitted to the community development department. The landscape application shall be subject to the Community Development Department's review and approval. Provided however, nonconforming parcels shall incorporate only those landscaping requirements that are feasible based on existing site conditions. Financial hardship shall not be considered to be a site condition which would alleviate the property owner from compliance with landscaping requirements. The Community Development Department is authorized to approve waivers of the landscaping requirements of this section upon the review and approval of an application for same. The application shall include a landscape plan signed and sealed by a Florida registered landscape architect. No permit shall be issued for paving unless the application complies with the provisions hereof, and no final certificate of occupancy or completion shall be issued until the landscaping is complete and passes a final inspection by the town. ~~It shall be unlawful to occupy the premises unless the landscaping is installed in accordance with the approved plans and the requirements hereof.~~

This Section provides an exception for commercial properties that are simply looking to improve their parcels, but do not classify as a substantial renovation.

Recommended Motion: I move to APPROVE Ordinance __-2013 on first reading.

Town of Lake Park Legislative Principles

- State Government should focus on state-level issues and allow local governments to operate with minimal state interference. The Town of Lake Park will oppose legislation that increases the involvement of state government in municipal affairs and preempts local governing prerogatives.
 - For Florida's economy to prosper, cities need to succeed. The Town of Lake Park will promote state investments in municipal infrastructure in order to create jobs and promote municipal revitalization. This will include funding for wastewater and stormwater improvements, libraries, economic development projects, and park and recreational activities.
 - State Government should not be allowed to continue disrupting the relationship between citizens and their local elected officials' authority to make decisions impacting the provision of municipal services and quality of life. The Town of Lake Park will oppose additional arbitrary limits on property assessments, municipal expenditures, and local revenues.
 - State mandates should be funded with state resources and should not seek to access local tax dollars. The Town of Lake Park will oppose unfunded mandates and support policies that require full funding of state initiatives and mandates to cities.
-

Legislative Priorities

APPROPRIATIONS

- The Town of Lake Park supports grant and legislative line item funding that enhances local financial capacity to address water resource and water supply development. The Town further supports enhanced funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for comprehensive water supply infrastructure needs.

1. The Town of Lake Park will again seek funding in the amount of \$200,000 for "Lake Shore Drainage Improvements." This amount was allocated by the legislature last session but was vetoed by the Governor.

- The Town of Lake Park supports funding for the Florida Forever Program and the Florida Recreation Development Assistance Program (FRDAP).

The Florida Forever Program has helped local governments purchase land for parks, recreation, open space and conservation. The Florida Recreation Development Assistance Program (FRDAP) is a successful funding vehicle for local government park development and recreational efforts and has helped leverage local dollars.

1. Both of these important programs have had minimal or no funding during the past three years but with the state's improving fiscal outlook should again be considered for legislative funding.

- The Town of Lake Park will work to assure that state support for local libraries is enhanced.

1. The projected amount of funding for the Lake Park Library is over \$7,000.

- The Town of Lake Park supports grant and legislative line item funding that dedicates to small businesses state economic development resources. Small businesses are the strength of Florida's economy; but they are often overlooked or do not qualify for existing economic development initiatives.

1. The Town of Lake Park will explore establishing a partnership with the state's Small Business Development Center Network for resources and technical assistance, including destination marketing support.

- The Town of Lake Park will support strengthening the prohibition on existing and new unfunded mandates, requires enhanced staff analyses of quantification of the

costs to cities, and ensures full state funding sources be assigned whenever unfunded mandates are identified.

LEGISLATION

- *Sober Homes*

The Town of Lake Park supports legislation defining and establishing minimum regulatory standards for recovery residence facilities, while also allowing more stringent local regulation.

Senator Jeff Clemens and Representative Bill Hager will be filing legislation requiring "Sober Homes" to be identified in statute, licensed by the state, prohibiting clustering of same in residential neighborhoods, and providing for local planning and zoning regulation. Their bill will be as a result of budget proviso language last legislative session requiring the Florida Department of Children and Families to review the Sober House issue and proffer recommendations for legislative action.

- *Communications Services Tax*

The Town of Lake Park supports revising the Communications Services Tax (CST) in a manner that does not reduce current local government related revenues, simplifies the administration and collection of the current tax, provides for a broad and equitable tax base, and affords for enhanced stability and reliability as an important revenue source for local governments.

The CST is one of the main sources of general revenue for municipalities. It generates over \$800 million annually and the funds can be used for any public purpose. Surfside currently receives \$303,320 from this source. *For Lake Park specifically, this generates about \$375,003 in funding.*

Governor Scott has pledged to reduce taxes by \$500 million next year and included within that discussion is the CST. As a result, Senator Dorothy Hukill, Chair of the Appropriations Subcommittee on Finance and Tax, has filed SB 266 which would reduce the state CST rate and the direct-to-home satellite rate by 2%. It does not include a reduction of the local CST but could have a negative fiscal impact on municipalities due to the distribution of some of the state and direct-to-home satellite revenues.

- *Local Business Tax*

Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession, or occupation within its

jurisdiction. Last legislative session, a number of bills were defeated that would have phased out the Local Business Tax by 2020 and a Committee Bill proposed to base the tax on the amount of square footage of a business. That also failed.

In order to preserve the \$309,659 in funding to the Town of Lake Park from local business taxes, The Town opposes legislation that restricts or eliminates municipal revenue generated under the local business tax. However, Lake Park supports the authorization of local governments to modify ordinances in a manner that results in a more simplified, efficient, and equitable tax system that benefits businesses and local communities.

- *Small Cities Community Development Block Grant Program (CDBG)*

The Town of Lake Park supports maintaining the current funding categories to ensure that grants primarily benefit low-and moderate- income families and communities. The CDBG program provides federally funded grants on a competitive basis, through the state of Florida and/or large "entitlement" governments, for municipalities to assist with housing rehabilitation, water and wastewater improvements, and economic development projects. The Florida Department of Economic Opportunity plans to file legislation making statutory changes to the CDBG and Lake Park supports reducing outdated, burdensome or restrictive requirements, but supports maintain the current funding categories.

- *Vacation Rental Preemption*

The Town of Lake Park supports repealing the state preemption of local governments' authority to regulate, restrict, or prohibit vacation rental property in single family neighborhoods and other zoning categories.

- *Pension Reform*

The Town of Lake Park will monitor the proposed changes to the Florida Retirement System, a priority of the Speaker of the House of Representatives, so that changes to it that result in cost savings to local governments are recognized. A proposed change would close the traditional "defined benefit" plan to new employees and offer instead a 401-k "defined contribution" option. This could potentially save the Town a significant sum in its contract with Palm Beach County for police and fire services.

- *Billboards:*

The Town of Lake Park opposes legislation that preempts or dilutes local government's ability to establish and maintain local ordinances which regulate billboards and outdoor advertising.

Exhibit "C"



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: January 15, 2014

Agenda Item No.

Agenda Title: Authorizing the Mayor to Execute an Agreement for Hosting Trawler Fest at the Lake Park Harbor Marina February 24, 2014 through March 3, 2014.

- ☐ SPECIAL PRESENTATION/REPORTS ☐ CONSENT AGENDA
☐ BOARD APPOINTMENT ☐ OLD BUSINESS
☐ PUBLIC HEARING ORDINANCE ON ____ READING
☒ **NEW BUSINESS/RESOLUTION**
☐ OTHER: _____

Approved by Town Manager

DSS

Date:

1/6/14

Dale S. Sugerman, Ph.D./Town Manager
Name/Title

Originating Department: Town Manager	Costs: None Funding Source: Acct. N/A [] Finance _____	Attachments: * Enabling Resolution. * Agreement (Exhibit "A").
Advertised: Date: _____ Paper: _____ [X] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone: <u>DSS</u> or Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

PassageMaker is a trawler and ocean motorboat magazine. For a number of years, they have held a trawler boat show, known as Trawler Fest, in the greater Fort Lauderdale area. Over the course of the last few months, they have been looking for a new home for their show in 2014 (and if successful) for many years to come. They have approached the Town of Lake Park and the Lake Park Harbor Marina to host their winter Trawler Fest for 2014. Our Marina is prepared to host this event and this agenda item is being presented to the Commission outlining the terms and conditions of hosting this event. The highlights of what is being asked of the Commission include:

- The event will be held at our Marina from Monday, February 24th until Monday March 3rd. The actual dates of the show will be Wednesday, February 26th through Friday, February 28th (although boats will be arriving at the Marina a few days before the show and will be staying a few days after the show).
- The Marina will make upwards of 75 slips available to vessels participating in the Trawler Fest event. Transient dock fees will be \$1.50/lineal foot of vessel (which is a \$0.50 reduction over the Marina's current daily transient fee). Electric stations will be at a rate of \$6.00 per day for 30 amp service and \$8.00 per day for 50 amp service. Trawler Fest will pay to the Town, within 14 days of the approval of the agreement, an event deposit equal to 50% of the estimated total cost of all slip rentals to be paid during the event. The balance of payment for all fees owed will be paid no later than 75 days after the conclusion of the event.
- The main parking lot of the Marina will be closed access during the dates of the show. Single day tickets will be \$15.00 per day, with VIP tickets including multi-day passes and special entertainment services at higher rates. Lake Park residents, with proof of identification, will receive a \$5.00 discount off of the single day ticket price.
- There will be no charge to enter the grounds of the event for Lake Park residents, with proof of residency, if they want to fish from the Marina pier or walk their dog on the grounds of the Marina during the dates of the show.
- Trawler Fest will be responsible for all vendor set-up, office space, perimeter fencing, rest rooms, trash containers and security services. They will also be responsible for restoring the grounds to their original condition once the show has concluded.
- Trawler Fest will provide the Town with comprehensive general liability insurance with limits of \$1,000,000/\$2,000,000 during the time that they are using the Marina for their show.
- As part of the Town's responsibility in hosting the event, the Town Commission is being asked to waive all parking fees on the grounds of the Marina during the event, and also waiving all room rental fees so that Trawler Fest can conduct classes for show participants.
- All of the items for the event will be coordinated between Trawler Fest and the Marina Director and the Office of the Town Manager.

These are just the highlights of this agreement for hosting the 2014 Trawler Fest at the Lake Park Harbor Marina. All of the details of the exact terms and conditions for the event can be found in the attached Resolution.

Recommended Motion: I move to approve Resolution 01-01-14.



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, January 15, 2014, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS
None

D. PUBLIC COMMENT:
This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked

to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

1. Regular Commission Meeting Minutes of December 18, 2013 Tab 1
2. Approval of the Delinquency Settlement of Lake Park Harbor Marina – Unpaid Dockage Fees Owned by John LeBeau of North Palm Beach, Florida Tab 2
3. Approve the Warranty Engine Rebuild on Public Works Commercial Front load Sanitation Vehicle (2009, Autocar WX Expeditor) Tab 3

F. PUBLIC HEARINGS - ORDINANCE ON FIRST READING:

4. Ordinance No. 01-2014 An Ordinance Proposing Modifications to Section 78-251 (C)(2) and 78-251 (E) of the Town Code Providing for an Administrative Approval Process for Nonconforming Parcels Proposing Site Modifications that Do Not Meet the Definition of a Substantial Modification. Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE VIII, SECTION 78-251 OF THE TOWN'S CODE OF ORDINANCES TO MODIFY LANDSCAPING STANDARDS PERTAINING TO NONCONFORMING PARCELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. PUBLIC HEARINGS – ORDINANCE ON SECOND READING:
None

H. NEW BUSINESS:

5. Approving the Hiring of Gomez Barker Associates, Inc. as the Town's External Lobbyist for the 2014 Legislative Session in Tallahassee Tab 5
6. Resolution No. 01-01-14 Authorizing the Mayor to Execute an Agreement for Hosting Trawler Fest at the Lake Park Harbor Marina February 26, 2014 through March 3, 2014. Tab 6

I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, February 5, 2014